

REMARKS

The present application has been reviewed in light of the Office Action dated April 25, 2008. Claims 1-33 are presented for examination, of which Claim 1 is in independent form. Claims 1, 4, 6, 9, 13, and 26 have been amended to define aspects of Applicant's invention more clearly. Favorable reconsideration is requested.

The Office Action states that the Information Disclosure Statement (IDS) filed on May 24, 2004 fails to comply with 37 C.F.R. § 1.97(c) because it lacks a statement as specified in 37 C.F.R. § 1.97(e). Applicant notes that May 24, 2004 is the filing date of the instant application. Applicant submits that no statement as specified in 37 C.F.R. § 1.97(e) is required for the IDS filed on May 24, 2004, because the IDS satisfies 37 C.F.R. § 1.97(b) by virtue of being filed within three months of the filing date and by virtue of being filed before the issuance of the first Office Action on the merits. Accordingly, Applicant respectfully requests the Examiner to return an initialed copy of the IDS filed on May 24, 2004, indicating that the references listed thereon have been considered and made of record in the present application. Should the Examiner believe that the May 24, 2004 IDS is non-compliant, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve this issue.

The Office Action objects to the specification as allegedly failing to provide proper antecedent basis for the subject matter of Claim 33. The specification is amended hereby to provide proper antecedent basis for the subject matter recited in Claim 33. Because originally filed Claim 33 supports the amendments to the specification, Applicant submits that material incorporated by reference is not being relied upon to overcome any objection, rejection, or other

requirement imposed by the Office and does not contain any new matter. Accordingly, withdrawal of the objections to the specification is respectfully requested.

Claims 1, 4, and 6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has carefully reviewed and amended Claims 1, 4, and 6, as deemed necessary, to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in section 8 of the Office Action. It is believed that the rejections under Section 112, second paragraph, have been obviated, and their withdrawal is therefore respectfully requested.

The Office Action states that Claims 1-9, 11, 12, and 14-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over International Patent Application No. 02/097561 (*Smith et al.*) in view of International Patent Application No. 01/39077 (*Biltis*) and International Patent Application No. 99/30261 (*Maggioncalda et al.*); that Claim 10 is rejected under § 103(a) as being unpatentable over *Smith et al.* in view *Biltis* and *Maggioncalda et al.*, and further in view of U.S. Patent Application No. 2004/0111367 (*Gallagher et al.*); and that Claim 13 is rejected under § 103(a) as being unpatentable over *Smith et al.* in view *Biltis* and *Maggioncalda et al.*, and further in view of U.S. Patent Application No. 2002/0123949 (*VanLeeuwen et al.*). For at least the following reasons, Applicant submits that independent Claim 1, together with the claims dependent thereon, are patentably distinct from the cited prior art.

An aspect of the present invention set forth in Claim 1 is a savings and bill payment system. The savings and bill payment system includes: a host that facilitates management of user income and a user debt; a user account that stores user income information including the user income; a user savings account that stores user savings; a user interface that receives user financial information, including at least one of: the user income information, user

income source information, user debt information, and user goal information; and a debt analyzer that does at least one of: (1) analyze debt information, (2) provide a recommendation, where the recommendation includes a suggestion for minimizing an amount of a payment for the user debt and maximizing an amount of a payment to the user savings account, and (3) provide a payment hierarchy based at least in part on the recommendation, where the payment hierarchy includes at least a first portion of the user income allocated to the user savings account and a second portion of the user income allocated to the user debt.

Notable features of Claim 1 are that the savings and bill payment system includes “a debt analyzer configured to at least one of: (1) analyze debt information, (2) provide a recommendation including a suggestion for minimizing an amount of a payment for said user debt and maximizing an amount of a payment to said user savings account, and (3) provide a payment hierarchy based at least in part on said recommendation, wherein said payment hierarchy includes at least a first portion of said user income allocated to said user savings account and a second portion of said user income allocated to said user debt,” as recited in Claim 1. By virtue of these features, the system of Claim 1 may recommend that a user make a payment to the user’s savings account in the largest amount possible, even if the user is not able to pay fully the amount of the debt, for example.¹

Smith et al. relates to a system for management of financial resources by allocating the resources to defined accounts. Applicant agrees with the Examiner’s finding that *Smith et al.* fails to disclose the debt analyzer of Claim 1 (see page 5 of the Office Action).

Biltis relates to a system for performing electronic commerce transactions using payroll deductions. Apparently, a user may set up a budget in various budget categories using a

¹ The example(s) presented herein are intended for illustrative purposes only. Any details presented in the illustrative example(s) should not be construed to limit the scope of the claims.

Budgeting Service 204, which assists the user in deciding on an amount to assign to each budget category by providing a tax calculator, comparisons to national or other relevant averages, and expert advice (*see* page 10, lines 21-26). Nothing has been found in *Biltis* that is believed to teach or suggest a debt analyzer configured to “analyze debt information”, let alone a debt analyzer configured to “provide a recommendation”, and “provide a payment hierarchy based at least in part on said recommendation”, as recited in Claim 1.

Maggioncalda et al. relates to a system for advising a user regarding feasible and recommended products from a set of financial products. As understood by Applicant, an advice summary screen 400 includes an area 410 for decisions, an area 420 for depicting output values (results), and an area 430 for depicting recommended financial products (page 10, lines 3-7). A user is enabled to enter decisions in the area 410, including a risk level, a level of savings, and a retirement age (page 10, lines 8-28). A portfolio optimization module 350 produces a set of recommended financial products and a simulation engine projects potential outcomes of holding the recommended financial products, which are displayed in the area 420 (page 10, lines 27-31). For example, in the area 420 the following results may be displayed: a cumulative probability of reaching a predetermined goal, a most likely value of a given portfolio at some future point in time, a financial loss that might occur with a 5% probability within the next 12 months, and various other statistics that are based on a probability distribution employed by the simulation engine (page 11, lines 1-4). In the area 430, graphical representations of the recommended financial products are grouped together (page 11, lines 25-28). Nothing has been found in *Maggioncalda et al.* that is believed to teach or suggest a debt analyzer configured to “analyze debt information”, let alone a debt analyzer configured to “provide a recommendation including a suggestion for minimizing an amount of a payment for said user debt and maximizing an

amount of a payment to said user savings account”, much less “provide a payment hierarchy” that includes “a portion of said user income allocated to said user debt, as recited in Claim 1 (emphasis added).

Based on the foregoing remarks, Applicant submits that a combination of *Smith et al.*, *Biltis*, and *Maggioncalda et al.*, assuming such combination would even be permissible, would fail to teach or suggest “a debt analyzer configured to at least one of: (1) analyze debt information, (2) provide a recommendation including a suggestion for minimizing an amount of a payment for said user debt and maximizing an amount of a payment to said user savings account, and (3) provide a payment hierarchy based at least in part on said recommendation, wherein said payment hierarchy includes at least a first portion of said user income allocated to said user savings account and a second portion of said user income allocated to said user debt,” as recited in Claim 1. Accordingly, Applicant submits that Claim 1 is patentable over *Smith et al.*, *Biltis*, and *Maggioncalda et al.*, and respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a).

The other rejected claims in the present application depend from Claim 1, and therefore are submitted to be patentable for at least the same reasons. Since each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and an early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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